REMARKS

Applicants hereby submit a Request for Continued Examination (RCE), under 37 C.F.R. §1.114 for the above-referenced prior-filed non-provisional application and this Preliminary Amendment C, responsive to the Final Rejection - Office Action—Date Mailed: September 17, 2009, Paper No. 20090913; for which a response is due three [3] months from the date of mailing of the Office Action: December 17, 2009; is hereby extended one [1] month by petition to now be due on January 18, 2010 (since January 17, 2010 was a Sunday).

Claims 1-57 are hereby currently pending. Claims 1-57 are currently rejected. Claims 1, 3, 27, 29, 43, 54, 55, and 57 are hereby currently amended. Claims 31, 33-35 and 41-42 were previously presented. Claims 2, 4-26, 28, 30, 32, 36-40, 44-53 and 56 are original. No new matter has been added.

This response is accompanied by the appropriate Petition for Extension of Time under 37 CFR 1.136(a) and the appropriate Petition for the Request for Continued Examination (RCE) under 37 C.F.R. §1.114. A fee in the amount of $65.00 for a Petition for one-month Extension of Time is due, and a fee in the amount of $405.00 for a Petition for the Request for Continued Examination (RCE) is due, and the fees are herewith paid via an accompanying RCE Fee Transmittal (in Duplicate). The Director has already been authorized to charge fees in this Application to Sitrick and Sitrick's USPTO Deposit Account: 50-1166.

Reconsideration is requested.

Examiner states on Page 3, #5, of the Office Action:

> *"2. Claims 1-57 are rejected under 35 U.S.C. 103(a) as being obvious over De Champlain, et al. (U.S. 6,587,080), in view of Okawa et al. (U.S. 2004/003871 3A1)."*

De Champlain et al., is not analogous to Applicants' claimed invention as set forth in the presently pending Claims 1-57 (as amended).

With respect to Claim 1, De Champlain teaches a wireless system for locating one or more target location transmitters which are remote to and at a different location from any of the receiving directional antennas. The directional antennas are at a separate second location and are utilized to locate the position of the one or more target location transmitters. Thus, a car or person at a first location can be traced from a second location.

In DeChamplain, the objective is to find the **location/position** of the transmitting station, and DeChamplain does NOT teach or relate to finding of a correct/best direction to transmit.

By contrast, the presently claimed invention calls for finding the correct/best **direction** to transmit.

In DeChamplain, it is directed to find the position of the transmitting station and NOT for any determination of a direction to transmit.

DeChamplain, is directed to finding the location of the transmitting station and a methodology for finding a position.

By contrast, the presently claimed invention is directed to finding the correct/best direction to transmit. Therefore, in accordance with the presently claimed invention, the system and methodology provide for finding a best direction to transmit based upon an analysis for determining and finding a direction of the strongest signal being received on one of a plurality of directional antenna segments.

In DeChamplain, the system works where there is no obstruction of a direct line of sight, and it utilizes a medium between the transmitter and receiver that is in outer space (with no atmosphere). By contrast, as opposed to transmitting and receiving in outer space with an unobstructed direct line of sight, the teachings of the presently claimed invention are operative in the atmosphere of the Earth, and/or on the ground of the Earth and there can be many obstacles between the transmitter and receiver.

Contrary to the presently claimed invention, in DeChamplain there is a transmitting from a target and the objective is to find the position of the target. In DeChamplain, at col. 3, line 25, it states:

> "a target transmitter sends a data packet that includes an id code to determine the interval and angle of the target."

In the presently claimed invention, such as set forth in presently pending claim 1, there is no determining of the interval and angle of a target, nor is there a finding of a position or location of a target. That is not material or the purpose of the system of of the presently claimed invention. Rather, in accordance with the presently claimed invention, there is an analysis of measured electromagnetic signals from a plurality of directional antenna sectors to determine which of the measured electromagnetic signals is the best electromagnetic signal and

responseive thereto the directional antenna sector associated with that measured best electromagnetic signal is selected as a selected directional antenna sector (or sectors) which is then used to transmit one or more data packets therefrom. This is set forth in each of the independent claims 1, 43 and 54 herein. For example, in independent claim 43, it states:

"A wireless method for transmitting and receiving a plurality of data packets, the method comprising:

providing a plurality of directional antenna sectors in three-dimensional space at a first location;

selecting as selected directional antenna sectors, at least one of said plurality of directional antenna sectors, for receiving of an electromagnetic signal;

coupling each one of said selected directional antenna sectors, one at a time, for measuring electromagnetic signal characteristics of the electromagnetic signal; and

selecting at least one of said plurality of directional antenna sectors as a selected directional antenna sector, to transmit an electromagnetic signal at least one data packet responsive to the measuring the received electromagnetic signal characteristics to determine a best received electromagnetic signal.

the receiving and transmitting controllers are with the directional antenna sectors [or segments] in a single location." [Bold emphasis added.] Similar language appears in the other independent claims 1 and 54.

DeChamplain does not teach or suggest any finding of a best received electromagnetic signal nor of a direction. DeChamplain only teaches of determination of a position of a target.

It is thus respectfully submitted that the citation and reliance upon DeChamplain is inapposite and is technically without merit.

While Examiner acknowledges that DeChamplain fails to teach the Applicants' presently claimed invention, Examiner improperly relies upon Okawa et al as filling the void left by DeChamplain et al. Examiner refers very briefly (in but a few short sentences) to Okawa. However, Okawa et al combined with DeChamplain et al do not render obvious the applicants presently claimed invention. Okawas et al does not fill the void left by DeChamplain. Okawas et al fails to teach, suggest or infer the Applicants' presently claimed invention as set forth in this

Preliminary Amendment C (nor as was previously set forth in Amendment B).

At page 4 of the September 17, 2009, Office Action, Examiner states that DeChamplain combined with Okawa teaches "to select the directional antenna to be used for data transmission based on the directional beam received." Examiner then cites to Okawa ("Fig. 5, #17a, #17b, Fig. 4, par. [0016-0017] and par. [0044]."

It is respectfully submitted that Examiner has improperly applied the cited Okawa references, is incorrect on the technical merits, and has improperly rejected the claimed invention based thereupon. For example, in Okawa, #17a and #17B are RF transmitters that perform frequency conversion [page 5, par. [0051, 0052] of Okawa et al. In paragraphs 16 and 17 {par. [0016-0017] and par. [0051-0052]} of Okawa et al, it states that Okawa, as does DeChamplain, relies upon a target sending out a directional beam which is sensed by the receiver to determine the position/location of the target and to choose which antenna to use to receive a directional beam signal from the target. This is analagous to DeChamplain wherein a wireless system is used for locating one or more target location transmitters which are remote to and at a different location from any of the receiving directional antennas. The directional antennas are at a separate second location and are utilized to locate the position of the one or more target location transmitters.

As discussed above herein, in the presently claimed invention, such as set forth in presently pending claims 1, 43 and 54, there is no finding of a position or location of a target. Rather, in accordance with the presently claimed invention, there is an analysis of measured electromagnetic signals from a plurality of directional antenna sectors to determine which of the measured electromagnetic signals is the best electromagnetic signal and responsive thereto the directional antenna sector associated with that measured best electromagnetic signal is selected as a selected directional antenna sector (or sectors) which is then used to transmit one or more data packets therefrom. This is set forth in each of the independent claims 1, 43 and 54 herein.

It is respectfully submitted that Examiner has improperly applied the cited and combined the references and improperly rejected the claimed invention.

In the presently claimed invention, there is a scanning of each of the antenna sectors which is checked to determine which one has received and provides the best received signal (based upon criteria such as signal strength). Based upon such analysis, there is a selection of

one of the antenna sectors, which has been analyzed as the selected sector, which gives the best-received signal. Then, this selected antenna sector is selected as the antenna sector that will be used to transmit the packet.

This methodology as set forth in the pending claims of the presently pending application, can be repeated, again and again, each time to determine and select a selected antenna sector for transmitting.

The presently claimed invention is nowhere taught, suggested nor inferred in DeChampl;ain et al, nor in Okawa et al, alone or in combination, nor in any of the art of record, alone or in combination.

It is therefore respectfully submitted that all pending claims are allowable over all art of record, and that all bases of rejection of the presently pending claims has been traversed and overcome, as explained herein.

Contrary to the claimed invention as set forth in Applicant's pending claims (see for example independent Claims 1, 43, and 54 (as amended), neither of De Champlain, et al., nor Okawas et al, either alone or in combination, utilize directional antenna sectors, a receiving controller and a transmitting controller located , wherein at least one receiving controller is selectively coupled to each of a plurality of selected ones of the directional antenna sectors in order to measure received electromagnetic signal characteristics to determine a best received electromagnetic signal characteristic in order to thereafter select which of the directional antenna sectors is to be used as a selected directional antenna sector to subsequently transmit data from the same first location.

Therefore, it is respectfully submitted that Independent Claims 1, 43 and 54 (as amended) and all Dependent Claims depending therefrom (Claims 2-42, 44-53, and 55-57) are patentably distinguishable over De Champlain et al. (U.S. Patent No. 6,587,080) and *Okawa et al. (U.S. 2004/0038713A1),* alone or in combination with any other art of record, and that all bases of rejection are traversed and overcome.

It is respectfully submitted that by this Amendment, all bases of rejection of the pending claims (as amended) are traversed and overcome, and that the rejection of Claims 1-57 under *under 35 U.S.C. 103(a) as being obvious over De Champlain, et al. (U.S. 6,587,080), in view of*

Okawa et al. (U.S. 2004/0038713A1) are hereby traversed and overcome.

Reconsideration is respectfully requested.

Applicants respectfully submit that the present application is in proper form for allowance. Applicants respectfully request a Notice of Allowance or a Notice of Allowability.

This response is accompanied by the appropriate Petition for Extension of Time under 37 CFR 1.136(a) and the appropriate Petition for the Request for Continued Examination (RCE) under 37 C.F.R. §1.114. A fee in the amount of $65.00 for a Petition for one-month Extension of Time is due, and a fee in the amount of $405.00 for a Petition for the Request for Continued Examination (RCE) is due, and the fees are herewith paid via an accompanying RCE Fee Transmittal (in Duplicate). The Director has already been authorized to charge fees in this Application to Sitrick and Sitrick's USPTO Deposit Account: 50-1166.

The Examiner is invited to directly communicate with the undersigned, if it will in any way facilitate the prosecution of the Application.

Respectfully submitted,

David H. Sitrick
Attorney for Applicant
Registration No. 29,349

January 18, 2010

SITRICK & SITRICK
8340 N. Lincoln Ave., Suite 201
Skokie, IL 60077
Telephone Number: (847) 677-4411
Facsimile Number: (847) 677-4656